

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LONTEX CORPORATION, v. NIKE, INC.	CIVIL ACTION NO. 18-5623
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ORDER AFTER REMAND

AND NOW this 16th day of October, 2024, for the reasons stated in the foregoing Memorandum it is **ORDERED**:

1. This Court is taking the opportunity presented by the remand by the Third Circuit Court of Appeals to **VACATE** its earlier finding that there was insufficient evidence of Nike engaging in unreasonable litigation tactics. As discussed in detail in the foregoing Memorandum, the Report & Recommendation of Justice Greenspan, plus the post-remand briefs (ECF 416, 419) detailed numerous instances where Nike's pretrial litigation activities were overly aggressive, improper, unreasonable or otherwise warrant a finding that this case is "exceptional" and therefore Nike must pay attorneys' fees to Plaintiff.

2. The Court erred in making its initial finding and was not aware of, or did not adequately recall, the factors cited by Justice Greenspan or the incidences submitted by Plaintiffs in their post-remand briefs noted above.

3. The Court will also allow Plaintiffs to file, within fourteen (14) days, a supplemental motion for attorneys' fees, reflecting the amount of time and suggested hourly rate in preparing the post-remand briefs that the Court has relied on and cited above.

4. As to Plaintiff's claim for an adjustment upward for inflation and delay, the Court will award market rate interest on the amount of attorneys' fees previously awarded, from the date of the award until paid. See Lanni v. New Jersey, 259 F.3d 146, 153 (3d Cir. 2001) (in upholding the district court's decision to quash a writ of execution seeking satisfaction of an attorneys' fee award, the Third Circuit concluded that "[t]here can be no dispute that Lanni will at some point be able to execute on the fee judgment and receive interest from the date a judgment was entered quantifying the award of fees and cost.").

BY THE COURT:

s/ Michael M. Baylson

MICHAEL M. BAYLSON
United States District Court Judge

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